

**Minutes of Land Use, Parks and Environment (LUPE) Committee**  
**Tuesday, April 1, 2014**

Vice Chair Kolb called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

**Committee Present:** Supervisors Jim Heinrich (Chair) (arrived at 10:03 a.m.), Dave Zimmermann, Walter Kolb, Pamela Meyer, Jim Batzko and Tom Schellinger. **Absent:** Supervisor Fritz Ruf.

**Also Present:** Legislative Policy Advisor Sarah Spaeth, Administrative Specialist Karen Phillips, Park System Manager Duane Grimm, Planning and Zoning Manager Jason Fruth, Parks and Land Use Director Dale Shaver, Financial Analyst Steve Trimborn, Solid Waste Supervisor Rebecca Mattano, Land Resources Manager Perry Lindquist, Accounting Services Manager Larry Dahl, Business Manager Peter Mudek, Principle Asst. Corporation Counsel Eric Weidig, Budget Management Specialist Bill Duckwitz, Citizen Ron Frea and Charlene Lemoine of Wisconsin Environmental Action League (WEAL).

**Approve Minutes of March 18, 2014**

MOTION: Zimmermann moved, second by Schellinger to approve the minutes of March 18, 2014. Motion carried 5-0.

**Executive Committee Report of March 31, 2014**

Spaeth summarized the items discussed at the March 31, 2014 Executive Committee meeting:

- The ordinance relative to acceptance of library grant funding was approved.
- Two appointments were approved.
- The three ordinances related to the Materials Recycling Facility (MRF) passed unanimously.

**Legislative Update**

Spaeth reported that the senate voted unanimously to give final passage to Assembly Bill 444, which eliminates state imposed tipping fees on certain waste streams related to recycling. Passage of this bill will save Waukesha County \$30,000 per year.

**Public Comment**

Lemoine stated Department of Parks and Land Use staff have assured WEAL their concerns regarding MRF residue are addressed within the Waukesha County/Milwaukee MRF contract.

**Ordinance 168-O-114: Klimeck Property Acquisition**

Grimm was present to discuss this ordinance which will allow the county to purchase 10.6 acres in the City of Pewaukee from Calvin Klimeck. This property is included in Waukesha County's Park and Open Space Plan for Ryan Park. The negotiated selling price is \$312,000 with estimated related property acquisition costs at \$6,000 for a total cost estimated at \$318,000. There is sufficient expenditure authority remaining in the 2014 Tarmann Fund budget to cover land acquisition and related costs. Waukesha County has received a letter of retroactivity from the Wisconsin Department of Natural Resources (WDNR) indicating that the county may be eligible to receive a Stewardship Grant Reimbursement in the future for approximately half of the land purchase price to partially offset the cost of this land acquisition.

Schellinger asked when the stewardship grant application would be submitted. Grimm stated that applications are accepted each year with a deadline of May 1. The paperwork for this transaction would not be completed in time to submit before this year's deadline. The application would then likely be submitted next year.

MOTION: Meyer moved, second by Zimmermann, to approve Ordinance 168-O-114. Motion carried 5-0.

**Ordinance 168-O-102: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2A – Town Of Lisbon Board, Section 11, T8N, R19E, Town Of Lisbon)**

Fruth was present to discuss this ordinance which amends the land use designation for two properties located in the Town of Lisbon, from the Recreational category to the Rural Density and Other Agricultural Land category, to allow for the future creation of a one-acre single family residential lot. The petitioner desires to create a home site for a family member. Planning and zoning staff recommend approval of the request.

MOTION: Batzko moved, second by Schellinger, to approve Ordinance 168-O-102. Motion carried 5-0.

**Ordinance 168-O-103: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (3A – Town Of Merton Plan Commission And Board, Section 35, T8N, R18E, Town Of Merton)**

Fruth was present to discuss this ordinance which amends land use designation for two properties located in the Town of Merton, from the Low Density Residential category to the Commercial and Office Park category to allow for the continuation of commercial uses on both parcels.

Schellinger left at 8:50 a.m.

Planning and zoning view this as a logical expansion and recommend approval of the request.

MOTION: Batzko moved, second by Zimmermann to approve Ordinance 168-O-103. Motion carried 4-0.

Schellinger returned at 8:52 a.m.

**Ordinance 168-O-104: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (3B – Town Of Merton Plan Commission And Board, Section 19, T8N, R18E, Town Of Merton)**

Fruth was present to discuss this ordinance which amends the current land use designation for two properties located in part of the Town of Merton, from the Low Density Residential category to the Commercial and Office Park category. Planning and zoning staff recommend approval of the request, as a mixed-use setting would allow for business expansion.

MOTION: Schellinger moved, second by Meyer to approve Ordinance 168-O-104. Motion carried 5-0.

**Ordinance 168-O-105: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (4A – Town Of Oconomowoc Plan Commission And Board, Sections 35 And 36, T8N, R17E, Town Of Oconomowoc)**

Fruth was present to discuss this ordinance which amends the land use designation for multiple properties in part of the NE ¼ and SE ¼ of Section 35 and part of the NW ¼ and SW ¼ of Section 36 of the Town of Oconomowoc from the High Density Residential, Medium Density Residential, Commercial and Office Park and Low Density Residential categories to the Mixed Use category. Planning and zoning staff recommend approval of the request.

MOTION: Meyer moved, second by Schellinger to approve Ordinance 168-O-105. Motion carried 5-0.

**Ordinance 168-O-106: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (5A – Wisconsin Department Of Natural Resources, Sections 21, 22 And 28, T6N, R17E, Town Of Ottawa)**

Fruth was present to discuss this ordinance which amends the current land use designation for properties located in Sections 21, 22 and 28 of the Town of Ottawa from the Rural Density and Other Agricultural Land and Primary Environmental Corridor categories to the Recreational and PEC categories, to allow the land to be used for conservation purposes, wildlife habitat and public recreational use. Planning and zoning staff recommend approval of the request.

MOTION: Meyer moved, second by Zimmermann to approve Ordinance 168-O-106. Motion carried 5-0.

**Ordinance 168-O-107: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (5B – Wisconsin Department Of Natural Resources, Sections 16, 20 And 21, T6N, R17E, Town Of Ottawa)**

Fruth was present to discuss this ordinance which amends the current land use designation for property located in Sections 16, 20 and 21 of the Town of Ottawa from the Rural Density and Other Agricultural Land, Other Open Lands to be Preserved and PEC categories to the Recreational and PEC categories for the purpose of restoring the land for future public recreational use. Planning and zoning staff recommend approval of the request.

MOTION: Schellinger moved, second by Meyer to approve Ordinance 168-O-107. Motion carried 5-0.

**Ordinance 168-O-108: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (5C – Wisconsin Department Of Natural Resources, Sections 5, 6, 7 And 8, T6N, R17E, Town Of Ottawa)**

Fruth was present to discuss this ordinance which amends the current land use designation for property located in Sections 5, 6, 7 and 8 of the Town of Ottawa from the Farmland Preservation, Farmland Preservation with Environmental Corridor Overlay, Other Open Lands to be Preserved and Primary Environmental Corridor (PEC) categories to the Recreational and PEC categories. Planning and zoning staff recommend approval of the request.

MOTION: Meyer moved, second by Batzko to approve Ordinance 168-O-108. Motion carried 5-0.

**Ordinance 168-O-109: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (5D – Wisconsin Department Of Natural Resources (WDNR), Sections 5, 6, 7 And 8, T6N, R17E, Town Of Ottawa)**

Fruth was present to discuss this ordinance which amends the WDNR Project Boundary for lands located within Sections 5, 6, 7 and 8 of the Town of Ottawa. The land is part of the Paradise Valley Wildlife Area of the Kettle Moraine State Forest – Southern Unit. Planning and zoning staff recommend approval of the request.

MOTION: Zimmermann moved, second by Schellinger, to approve Ordinance 168-O-109. Motion carried 5-0.

**Ordinance 168-O-110: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (6A – Thomas Kelenic, Five Diamonds, Inc., Section 14, T6N, R19E, Town Of Waukesha)**

Fruth was present to discuss this ordinance which amends the land use designation for property located in Section 14 of the Town of Waukesha from the Low Density Residential and Other Open Lands to be

Preserved categories to the Recreational category to accommodate the continued operation of a baseball sports complex on the site. Planning and Zoning staff recommend approval of the request, with lands lying within the delineated wetlands to remain in the preservation category.

MOTION: Zimmermann moved, second by Batzko, to approve Ordinance 168-O-110. Motion carried 5-0.

**Ordinance 168-O-111: Year 2014 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (7 – Waukesha County Department Of Parks And Land Use, Incorporating Housing Plan Recommendations To The Comprehensive Development Plan For Waukesha County)**

Fruth was present to discuss this ordinance which amends the text of the Comprehensive Development Plan for Waukesha County by incorporating recommendations of the Southeastern Wisconsin Regional Planning Commission's new regional housing plan titled "A Regional Housing Plan for Southeastern, Wisconsin: 2035" into the Housing and Implementation chapters. The recommendations have been presented in the plan in the following categories: affordable housing, fair housing and opportunity, job/housing balance, accessible housing, subsidized and tax credit housing and housing development practices.

To answer Zimmermann's question, Fruth discussed the thresholds for defining urban area, areas with municipal sewer and water, and high density areas.

Schellinger asked why Pat Haukohl voted "no" at the Park and Planning Commission level. Fruth said that Haukohl had issues with verbiage, particularly the frequent use of "should" instead of "shall", and felt it should be less binding than that. Fruth added that it is important to note that some recommendations are extremely general. Planning and Zoning Staff recommend approval of this text amendment request.

MOTION: Meyer moved, second by Schellinger to approve Ordinance 168-O-111. Motion carried 5-0.

**Ordinance 168-O-112: Amend The District Zoning Map Of The Town Of Brookfield Zoning Code By Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 28, T7N, R20E, Town Of Brookfield, Waukesha County, Wisconsin, From The RM-2 Multi-Family Residential District To The RM-2 Multi-Family Residential District With A P.U.D. Planned Unit Overlay District (ZT-1777)**

Fruth was present to discuss this ordinance which creates a Planned Unit Overlay District to accommodate the expansion of a senior assisted living facility within the Town of Brookfield. The expansion of the assisted living facility is consistent with plan recommendations that call for institutional type uses on this site. The inclusion of new storm water management facilities will improve the existing run-off conditions. Planning and Zoning staff recommend approval of this rezone request.

In response to Zimmermann's question about whether the neighbor's concerns were addressed, Fruth stated the concerns were not zoning issues; therefore, he did not have further details.

MOTION: Batzko moved, second by Schellinger to approve Ordinance 168-O-112. Motion carried 5-0.

**Ordinance 168-O-113: Amend The Text Of The Town Of Eagle Zoning Code To Repeal And Recreate Section 5.11 (2) To Allow Fuel Stations And Taxidermy Studios As Permitted Uses In The B-3 General Business Zoning District (ZT-1774)**

Fruth was present to discuss this ordinance which will allow for the addition of fuel stations and taxidermy studios to the list of permitted uses in the B-3 General Business District of the Town of Eagle

Zoning Code. In response to Zimmermann's question, Fruth further explained details of the current and proposed zoning. Planning and Zoning staff recommend approval of this zoning request.

MOTION: Meyer moved, second by Batzko to approve Ordinance 168-O-113. Motion carried 5-0.

Heinrich arrived at 10:03 a.m.

**Resolution 168-R-009: Amend Regional Water Quality Management Plan For The Village Of Menomonee Falls, Waukesha County, Wisconsin**

Fruth was present to discuss this resolution which signifies the County's acceptance of a sewer service area expansion that would allow for 21-acres within the Village of Menomonee Falls to be added to the Milwaukee Metropolitan Sewerage District service area.

MOTION: Zimmermann moved, second by Heinrich to approve Resolution 168-R-009. Motion carried 6-0.

Shaver was present to discuss Ordinances 168-O-117, 168-O-118 and 168-O-119 with an accompanying PowerPoint presentation titled "Waukesha County – City of Milwaukee Material Recycling Facility Contracts". The comprehensive overview included details of the intergovernmental agreement, capital project amendment, county code amendment, the contract with ReCommunity, implementation timeline, etc.

**Ordinance 168-O-117: Approval Of Intergovernmental Cooperation Agreement Between Waukesha County And The City Of Milwaukee Regarding The Construction And Private Operation Of A Joint Recycling Facility**

Approval of this ordinance authorizes the intergovernmental cooperation agreement between Waukesha County and the City of Milwaukee regarding the construction and private operation of a joint material recycling facility (MRF). Shaver provided information relative to RFP process, dividends per municipality, tonnage/revenues, agreement terms and length, MRF ownership and decision making, cost and revenue distribution, equipment replacement plan and reserve fund, financial controls, etc.

MOTION: Heinrich moved, second by Batzko to approve Ordinance 168-O-117.

Kolb expressed reservations about the provisions of terminating the contract. Weidig assured him there would be no provision for punitive damages.

**Ordinance 168-O-118: Amendment Of Collaborative Materials Recycling Facility Capital Project 201409**

This ordinance will amend the county's capital plan for a collaborative recycling facility with the City of Milwaukee, based on the recently completed joint request for proposal process. Expenditure authority for the MRF capital project would increase by \$2.3 million, from \$5,410,000 to \$7,710,000. Shaver reviewed the details of the project as outlined in the fiscal note. The cost increase is mainly due to the need for more advanced equipment and pavement, structural and technological improvements at the transfer station.

Kolb acknowledged Shaver and staff for presenting an excellent business proposal.

MOTION: Meyer moved, second by Heinrich, to approve Ordinance 168-O-118.

**Ordinance 168-O-119: Amend Section 14-264 Of The Waukesha County Code Of Ordinances Regarding Recycling**

MOTION: Heinrich moved, second by Batzko to approve Ordinance 168-O-119.

This ordinance will amend Section 14-264 of the County Code of Ordinances relating to the collection of recycling materials. The code needs to be updated to incorporate a provision for the use of designated drop-off sites for recyclables.

Motion to approve Ordinance 168-O-117 carried 6-0.

Motion to approve Ordinance 168-O-118 carried 6-0.

Motion to approve Ordinance 168-O-119 carried 6-0.

MOTION: Heinrich moved, second by Meyer to adjourn the meeting at 11:36 a.m. Motion carried 6-0.

Respectfully submitted,

Pamela Meyer  
Secretary